



September 18, 2023

**Via ECF**

The Honorable Ramon E. Reyes  
United States Magistrate Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

**Re: Mirkin, et al. v. XOOM Energy, LLC, et al., No. 18 Civ. 2949 (ARR) (RER)**

Dear Judge Reyes,

We represent Plaintiff and the Class in the above-captioned matter and we write jointly with Defendants' consent pursuant to Your Honor's Individual Rule II.C. to request one-week adjournments of the following deadlines:

1. The deadline for Plaintiff to respond to Defendants' pre-motion application (ECF No. 153) to stay this case during the pendency of their Rule 23(f) petition to the Second Circuit seeking leave to appeal Judge Ross's August 31 Opinion and Order granting class certification. The current deadline is September 19, 2023. The new requested deadline is **September 26**.
2. The deadline for Plaintiff to submit her proposed class certification notice plan and forms of proposed notice to the Court. The current deadline is September 21. The new requested deadline is **September 28**.

The reason for the requested adjournments is that both parties require additional time to complete their work on these matters.

Specifically, Class Counsel is at work on their response to Defendants' Second Circuit petition (due Monday, September 25) and the arguments Plaintiff makes in that filing will bear on the positions Plaintiff takes in response to the pre-motion application Defendants have made to Your Honor.

At the same time, Defendants require additional time to review and comment on the proposed notice plan and related documents Class Counsel drafted. Defendants also require additional time to confirm which categories of contact information they maintain for the Class as well as information regarding Class Member language preferences that Plaintiff requested to inform her choice of a Notice Administrator. Class Counsel spoke with defense counsel this afternoon and the parties agreed that while they disagree regarding whether a stay is warranted, Defendants will continue to work with Class Counsel in good faith to accomplish the work needed to promptly effectuate notice to the Class should their request for a stay be denied.

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This is Plaintiff's first request to extend these deadlines and no other scheduled dates are affected by this request.

Thank you for the Court's consideration of this request.

Respectfully Submitted

/s/ Ethan D. Roman  
Ethan D. Roman

*Counsel for Plaintiffs and the Class*

cc: All Counsel of Record (*via ECF*)